

# WASHINGTON STATE DEPARTMENT OF HEALTH OCCUPATIONAL THERAPY PRACTICE BOARD PUBLIC MEETING MINUTES

June 26, 2006  
9:00 AM

Eastern Washington University/Washington State University,  
Health Sciences Building, 310 N. Riverpoint Boulevard,  
Room 110 A & B, Spokane, WA

On June 26, 2006, the Occupational Therapy Practice Board met at Eastern Washington University/Washington State University, Health Sciences Building, 310 N. Riverpoint Boulevard, Room 110 A & B, Spokane, WA. In accordance with the Open Public Meetings Act, notices were sent to individuals requesting notification of meetings.

## **MEMBERS PRESENT**

MARK LEHNER, OT, CHAIR  
D. JILL PETRIE, COTA, VICE CHAIR  
WENDY HOMES, OT

## **STAFF PRESENT**

VICKI BROWN, PROGRAM MANAGER 3  
CHERI BROOKS, PROGRAM MANAGER 1  
DORI JAFFE, AAG ADVISOR  
JOY KING, EXECUTIVE DIRECTOR

## **Monday June 26, 2006 – 9:00 AM – OPEN SESSION**

### **1. CALL TO ORDER**

The meeting was called to order at 9:00 am by Mark Lehner, OT, Chair.

1.1 Approval of Agenda – Agenda was approved with the following changes:  
The date was changed from Monday June 25, 2006 to Monday June 26, 2006. Future meeting dates were added under Item #6.

1.2 April 25, 2006 meeting minutes were approved as presented.

### **2. RULES**

2.1 WAC 246-847-010 Occupational Definitions was accepted as follows:

(1) The following terms in RCW 18.59.020(2) shall mean:

(a) "Scientifically based use of purposeful activity" is the treatment of individuals using established methodology based upon the behavioral and biological sciences and includes the analysis, application and adaptation of

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~~((activities for use with individuals having a variety of physical, emotional, cognitive and social disorders)) occupations. "Occupations" are activities having unique meaning and purpose in an individual's life. "Use of purposeful activity" is goal-directed and includes a process of continually modifying treatment to meet the changing needs of an individual. ((Purposeful activity is goal-oriented and cannot be routinely prescribed.))~~

(b) "Teaching daily living skills" is the instruction in daily living skills based upon the evaluation of all the components of the individual's disability and the adaptation or treatment based on the evaluation. ~~((Components of a disability are physical, sensory, social, emotional and cognitive functions.))~~

(c) "Developing prevocational skills and play and avocational capabilities" is not only the development of prevocational skills and play and avocational capabilities but involves the scientifically based use of purposeful activity.

(d) ~~((("Designing, fabricating, or applying selected orthotic and prosthetic devices or selected adaptive equipment" is not specific occupational therapy services if a person designs, fabricates, or applies selected orthotic and prosthetic devices or selected adaptive equipment for an individual if the device or equipment is prescribed or ordered by a health care professional authorized by the laws of the state of Washington to prescribe the device or equipment or direct the design, fabrication, or application of the device or equipment.~~

~~(e))~~ "Adapting environments for ~~((the handicapped))~~ individuals with disabilities" is the evaluation of all the components of an individual's disability ~~((and the adaptation of the))~~ in their environment ~~((of the individual based on the evaluation))~~. Adaptation of the environment may include its physical, cultural, social, personal, spiritual, temporal and virtual components. Components of a disability include but are ~~((physical, sensory, social, emotional and cognitive functions))~~ not limited to: Performance skills such as motor, process, communication and interaction skills, as well as client factors such as mental, sensory and pain, and neuromusculoskeletal functions.

(2) ~~((("Supervision" and "regular consultation" of an occupational therapy assistant by an occupational therapist in RCW 18.59.020(4) and "direct supervision" of a person holding a limited permit by an occupational therapist in RCW 18.59.040(7) shall mean face to face meetings between the occupational therapist and occupational therapy assistant and between the occupational therapist and holder of a limited permit occurring at intervals as determined necessary by the occupational therapist to establish, review, or revise the client's treatment objectives. The meetings shall be documented and the documentation shall be maintained in each client's treatment record. The failure to meet to establish, review, or revise the client's treatment objectives at sufficient intervals to meet the client's~~

~~needs shall be grounds for disciplinary action against the occupational therapist's license and/or the occupational therapy assistant's license to practice in the state of Washington and/or the limited permit pursuant to WAC 246-847-160 (4) and (14), 246-847-170 (2) and (3) and RCW 18.59.100 for conduct occurring prior to June 11, 1986 and pursuant to RCW 18.130.180 for conduct occurring on or after June 11, 1986.~~

~~(3) "Professional supervision" of an occupational therapy aide in RCW 18.59.020(5) shall mean:~~

~~(a) Documented training by the occupational therapist of the occupational therapy aide in each specific occupational therapy technique for each specific client and the training shall be performed on the client;~~

~~(b) Face to face meetings between the occupational therapy aide and the supervising occupational therapist or an occupational therapy assistant under the direction of the supervising occupational therapist occurring at intervals as determined by the occupational therapist to meet the client's needs, but shall occur at least once every two weeks; and~~

~~(c) The occupational therapist shall observe the occupational therapy aide perform on the client the specific occupational therapy techniques for which the occupational therapy aide was trained at intervals as determined by the occupational therapist to meet the client's needs, but shall occur at least once a month.~~

~~The meetings and client contacts shall be documented and the documentation shall be maintained in the client's treatment records. The failure to meet at sufficient intervals to meet the client's needs shall be grounds for disciplinary action against the occupational therapist's license to practice in the state of Washington pursuant to WAC 246-847-160 (4) and (14), 246-847-170 (2) and (3) and RCW 18.59.100 for conduct occurring prior to June 11, 1986 and pursuant to RCW 18.130.180 for conduct occurring on or after June 11, 1986.~~

~~(4) Sections (2) and (3) of this rule shall not be effective until July 1, 1985.~~

~~(5)) "Regular consultation" as described in RCW 18.59.040(4) means in person contact at least monthly by an occupational therapist licensed in the state of Washington with supervision available as needed by other methods.~~

~~(3) "In association" as described in RCW 18.59.040(7) means practicing in a setting in which an occupational therapist licensed in the state of Washington is available on the premises for supervision, consultation, and assistance as needed to provide protection for the client's health, safety and welfare.~~

~~(4) "Direct supervision" as described in RCW 18.59.040(7) means daily, in person contact at the work site by an occupational therapist or occupational therapy assistant licensed in the state of Washington.~~

(5) "Professional supervision" of an occupational therapy aide as described in RCW 18.59.020(5) means in person contact at the work site at least weekly by an occupational therapist or occupational therapy assistant licensed in the state of Washington.

(6) "Clients" include patients, students, and those to whom occupational therapy services are delivered.

~~((6))~~ (7) "Evaluation" is the process of obtaining and interpreting data necessary for treatment, which includes, but is not limited to, planning for and documenting the evaluation process and results. The evaluation data may be gathered through record review, specific observation, interview, and the administration of data collection procedures, which include, but are not limited to, the use of standardized tests, performance checklists, and activities and tasks designed to evaluate specific performance abilities.

~~((7))~~ (8) "Work site" in RCW 18.59.080 means the primary work location.

~~((8) "In association" for RCW 18.59.040(7) shall mean practicing in a setting in which another occupational therapist licensed in the state of Washington is available for consultation and assistance as needed to provide protection for the clients' health, safety and welfare.~~

~~(9) One "contact hour" is considered to be fifty minutes.~~

~~(10) "Peer reviewer" shall mean a licensed occupational therapist chosen by the licensee to review the self study plan and verify that the self study activity meets the objectives for peer reviewed self study as defined in WAC 246-847-065.)~~ (9) "Consultation" means that practitioners are expected to function as consultants within the scope of practice appropriate to their level of competence.

(10) "Working days" in RCW 18.59.040(5) shall mean consecutive calendar days.

(11) "Commonly accepted standards for the profession" in RCW 18.59.040 (5)(b) and 18.59.070 shall mean having passed the National Board for Certification in Occupational Therapy or its successor/predecessor organization, not having engaged in unprofessional conduct or gross incompetency as established by the board in WAC 246-847-160 for conduct occurring prior to June 11, 1986, and as established in RCW 18.130.180 for conduct occurring on or after June 11, 1986, and not having been convicted of a crime of moral turpitude or a felony which relates to the profession of occupational therapy.

(12) Occupational therapy aides are not primary service providers of occupational therapy in any practice setting. Therefore, occupational therapy aides do not provide skilled occupational therapy services. An occupational therapy aide is trained by an occupational therapist or occupational therapy assistant to perform specifically delegated tasks.

Training of an occupational therapy aide as described in RCW 18.59.020(5) means the following:

(a) The occupational therapist or occupational therapy assistant shall train the occupational therapy aide on client and nonclient related tasks at least once a month.

(b) When performing client related tasks, the occupational therapist or occupational therapy assistant must ensure the occupational therapy aide is trained and competent in performing the task on the specific client.

(c) The documentation must be maintained in a location determined by the supervising occupational therapist or occupational therapy assistant.

2.2 WAC 246-847-135 Standards of Supervision was accepted as follows:

The following are the standards for supervision of occupational therapy assistants, limited permit holders, and occupational therapy aides:

(1) Licensed occupational therapy assistants must be supervised through regular consultation by an occupational therapist licensed in the state of Washington. Regular consultation must be documented and the documentation must be kept in a location determined by the supervising occupational therapist or occupational therapy assistant.

(2) A limited permit holder must work in association with an occupational therapist or an occupational therapy assistant licensed in the state of Washington with a minimum of one year of experience. Supervision shall include consultation regarding evaluation, intervention, progress, reevaluation and discharge planning of each assigned patient at appropriate intervals and documented by cosignature of notes by the supervising occupational therapist or an occupational therapy assistant.

Limited permit holders who have failed the examination must be directly supervised by an occupational therapist or occupational therapy assistant licensed in the state of Washington with a minimum of one year of experience. Direct supervision must include consultation regarding evaluation, intervention, progress, reevaluation and discharge planning of each assigned patient at appropriate intervals and documented by cosignature of notes by the supervising occupational therapist or occupational therapy assistant.

(3) Occupational therapy aides must be professionally supervised and trained by an occupational therapist or an occupational therapy assistant licensed in the state of Washington. Professional supervision must include documented supervision and the documentation must be kept in a location determined by the supervising occupational therapist or occupational therapy assistant.

(4) Definitions of supervision can be found in WAC 246-847-010.

- 2.3 WAC 246-847-020 Persons exempt from the definition of an occupational therapy aide will be left as is. It will not be repealed.
- 2.4 WAC 246-847-130 Definition for “commonly accepted standards for the profession” will be repealed.
- 2.5 WAC 246-847-080 Examinations was accepted as follows:

(1) ~~The ((current series of the American Occupational Therapy Certification Board)) examination administered by the National Board for Certification in Occupational Therapy or its successor/predecessor organization~~ shall be the official examination for licensure as an occupational therapist or as an occupational therapy assistant.

~~(2) ((The examination for licensure as an occupational therapist shall be conducted twice a year.~~

~~(3) The examination for licensure as an occupational therapy assistant shall be conducted twice a year.~~

~~(4) The program manager of the board shall negotiate with the American Occupational Therapy Certification Board for the use of the certification examination.~~

~~(5) The examination shall be conducted in accordance with the American Occupational Therapy Certification Board security measures and contract.~~

~~(6) Applicants shall be notified of the examination results in accordance with the procedures developed by the American Occupational Therapy Certification Board.~~

~~(7) Examination scores will not be released except as authorized by the applicant in writing.~~

~~(8)) To be eligible for a license, applicants must attain a passing score on the examination ((administered by the American Occupational Therapy Certification Board)) determined by the National Board for Certification in Occupational Therapy or its successor/predecessor organization.~~

- 2.6 WAC 246-847-115 Limited permits was accepted as follows:

(1) An applicant is eligible for a limited permit when they have met the criteria described under RCW 18.59.040(7)~~((, provided the applicant takes the first examination for which he or she is eligible))~~.

(2) An applicant who fails the examination may be granted a one time extension of the limited permit.

(3) An applicant who successfully passes the examination for licensure and who has a valid limited permit through the department of health at the time the examination results are made public shall be deemed

to be validly licensed under the limited permit for the next thirty calendar days.

2.7 WAC 246-847-120 Foreign trained applicants was accepted as follows:

~~((Foreign trained))~~ **Applicants from unrecognized educational programs.** ~~((An applicant obtaining education and training at foreign institutions shall submit the following information for the board's consideration in determining whether or not to waive the education and experience requirements for licensure, pursuant to RCW 18.59.070(1):~~

~~(1) An official description of the education program at the educational institution and if the description is not in English, then an English translation signed by the translator shall be submitted with the official description;~~

~~(2) An official transcript of the applicant's grades from the educational institution and if the transcript is not in English, then an English translation signed by the translator shall be submitted with the official transcript;~~

~~(3) Applicant's affidavit containing the following information:~~

~~(a) Location and dates of employment as an occupational therapist or occupational therapy assistant for up to three years immediately prior to the date of application;~~

~~(b) Description of capacity in which applicant was employed, including job titles and description of specific duties;~~

~~(c) Description of nature of clientele; and~~

~~(d) Name and title of direct supervisors;~~

~~(4) Written job description for each employment as an occupational therapist or occupational therapy assistant for up to three years immediately prior to the date of application;~~

~~(5) Signed, written statements from all employers or direct supervisors for up to three years immediately prior to the date of application containing the following information:~~

~~(a) Dates of applicant's employment;~~

~~(b) Description of applicant's specific duties; and~~

~~(c) Employer or direct supervisor's title;~~

~~(6) If the applicant graduated from the educational institution within the three years immediately prior to the application, the applicant shall obtain a signed, written statement from the applicant's program director at the educational institution discussing the applicant's fieldwork experience at the educational institution.))~~

**(1) An applicant who has passed the approved National Certification Examination as defined in WAC 246-847-080, is considered to have met the education and experience requirements of RCW 18.59.050.**

**(2) Written verification of passing scores or verification of current certification must be submitted to the department directly from the National**

Board for Certification in Occupational Therapy or its successor/predecessor organization.

(3) After reviewing the information submitted, the board may require submission of additional information necessary for purposes of clarifying the information previously submitted.

**3. PROGRAM REPORT** – Information provided to the Board by the Program Manager.

3.1 Budget Update – The Interim Operating Report for May 2006 was provided to the Board.

3.2 Organizational Changes – Joy King provided a brief overview of the Department of Health's reorganization.

3.3 Other – A brief discussion regarding Jill applying for the National Board for Certification of Occupational Therapy (NBCOT) and whether there would be any conflict of interest. Dori Jaffe, Assistant Attorney General (AAG), determined that this would not be a conflict of interest.

**4. WASHINGTON OCCUPATIONAL THERAPY ASSOCIATION (WOTA)** – After discussion, it was determined that the board's next meeting and rule hearing will be in conjunction with the association meeting in Portland, Oregon on October 6, 2006. The board will offer 2-3 hours of continuing education for anyone who attends the rule hearing.

**5. CORRESPONDENCE** – There was no correspondence reviewed by the Board.

**6. OTHER OPEN SESSION BUSINESS** –

The Board requested that the DOH website Frequently Asked Questions (FAQ) be sent to them for review and updates prior to staff re-posting on the web.

**11:30 p.m. - CLOSED SESSION**

**7. REVIEW OF APPLICATIONS**

Applicant A - Approved

**8. DISCIPLINARY CASE REVIEWS**

Case 2005-09-0001OT – presented at the June teleconference.

**1:25 pm – OPEN SESSION**



9. **ADJOURNMENT** – The Board adjourned at 1:30 p.m. with the next meeting scheduled for September 15, 2006 in Tumwater.

Respectfully submitted:

Approved:

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Vicki Brown  
Program Manager

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Mark Lehner, OT, Chair  
Occupational Therapy Practice Board